

**JUDGE SPRIZZO**

**08 CV 3496**

(JES)

ECF Case

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE MERIT GROUP, LLC

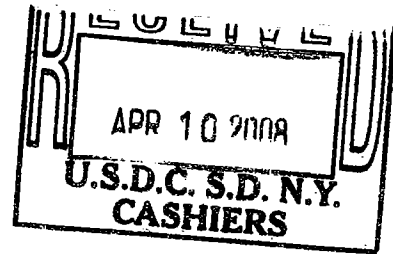
Plaintiff

- against -

\_\_\_\_ Civ. \_\_\_\_

SINT MAARTEN INTERNATIONAL  
TELECOMMUNICATIONS SERVICES, NV  
and THE TELEM GROUP, NV,

Defendants.  
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**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441(a), (b), 1446, Fed R. Civ. P. 81(c), and L.R. 81.1, defendants hereby give notice of removal of the above captioned action filed in Supreme Court of the State of New York, County of New York, Index No. 600759/08, on March 14, 2008, and for grounds therefor state as follows:

Removal is based on diversity of citizenship, 28 U.S.C. § 1332(a)(2), as plaintiff is a citizen of a State (New York), and defendants are citizens of a foreign state (Netherlands Antilles, part of the Kingdom of the Netherlands).

Plaintiff The Merit Group, LLC is a limited liability company incorporated in the State of New York with its principal place of business in New York, New York.

Defendant, Sint Maarten International Telecommunication Services (SMITCOMS) N.V. is a corporation incorporated in the Netherlands Antilles, a part of the Kingdom of the Netherlands, with its principal place of business in the Island Territory of Sint Maarten, NA.

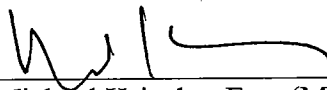
“The Telem Group, NV,” named as a defendant herein, is not a legal entity, but the Telem Group refers to three corporations incorporated in the Netherlands Antilles, with their principal place of business in the Island Territory of Sint Maarten, NA: Sint Maarten Telephone Company N.V., Telcell, N.V., and Telnet Communications N.V.

Plaintiff pleads that defendants are “both government-owned telecommunications agencies of the Government of the Island Territory of Sint Maarten, Netherlands Antilles.” If such pleading is accepted as true for purposes of this Notice of Removal, then removal would be proper pursuant to 28 U.S.C. § 1441(d), as defendants would be “a foreign state” within the meaning of 28 U.S.C. § 1603(a). Defendant SMITCOMS and the three corporations to which the named defendant “The Telem Group, NV” refers, are 100% owned by Sint Maarten Telecommunication Holding Company N.V., incorporated in the Netherlands Antilles, with its principal place of business in Sint Maarten, NA, which in turn is 100% owned by the Island Territory of Sint Maarten.

Defendants received notice of this suit on March 18, 2008 in Sint Maarten, NA.

Defendants file herewith a copy of the Summons and Complaint, and Statement of Service by Mail, which to defendants’ knowledge are the only records and proceedings in the State Court, and which are the only documents received by defendants in this matter.

Dated: April 10, 2008  
New York, New York



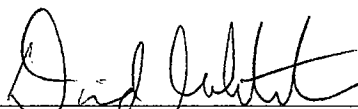
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(212) 254-1111  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of April 2008, I caused a true and correct copy of the foregoing Notice of Removal, with attachments, to be served by hand on the following:

Leonard N. Flamm  
Law Offices of Leonard N. Flamm  
880 Third Avenue, Suite 1300  
New York, NY 10022  
*Attorneys for Plaintiff The Merit Group, LLC*

  
\_\_\_\_\_  
David B. Goldstein